

No. PD- 0575-19

In The
Court of Criminal Appeals

FILED
COURT OF CRIMINAL APPEALS
6/12/2019
DEANA WILLIAMSON, CLERK

Austin, Texas

Anthony Carter, *Appellant*,

v.

The State of Texas, *Appellee*.

On Discretionary Review from 07-18-00043-CR
Seventh Court of Appeals

On Appeal from 2017-413,558
In the 137th Judicial Court of Lubbock County, Texas

**APPELLANT'S FIRST MOTION TO EXTEND TIME TO FILE
PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Appellant Anthony Carter moves for an extension of thirty days to file a petition for discretionary review. *See* TEX. R. APP. P. 68.2(c). In support of this motion, Appellant shows the following:

I.

On May 14, 2019, in *Carter v. State*, No. 07-18-00043-CR, the Seventh Court of Appeals affirmed Appellant's conviction for possession of a controlled substance and the accompanying sentence of ninety years' incarceration.

II.

Appellant did not file a motion seeking a rehearing with the court of appeals. Accordingly, Appellant's petition for discretionary review is due June 13, 2019. This motion for a time extension is due by June 28, 2019. TEX. R. APP. P. 68.2(c). This is the first motion for an extension of the petition deadline.

III.

Appellant relies on the following facts as good cause for the requested extension:

Appellant believes the court below misapplied caselaw of both this court and the United State Supreme Court in uphold the conviction, specifically in exceeding the standards of *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 8781, 61 L.Ed.2d 560 (1979). The court stretched the legal sufficiency standard far beyond that conceived of or approved by prior caselaw.

This kind of argument, however, is founded upon a good deal of cross-case comparison. Such arguments tend to be extremely time-consuming because entire

fact patterns from each case must not only be comprehended but then discussed and analyzed. Proper research and briefing of such claims is simply a time-consuming task.

IV.

This Motion is not filed for purposes of delay, but so that justice may be served.

PRAYER

Appellant prays the Court would grant this motion and extend the deadline for filing Appellant's petition for discretionary review for thirty (30) days, up to and including July 15, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On June 11, 2019, a copy of this document was served on opposing counsel Lauren Murphree, who is an Assistant District Attorney in Lubbock County, via email to lmurphree@lubbockcda.com and on Stacey M. Soule, the State Prosecuting Attorney, via email to information@spa.texas.gov.

/s/ Allison Clayton
Allison Clayton